

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE: **CASE NO: . 16-01283**

)	CHAPTER: 13
Kenneth Bledsoe)	AMENDED NOTICE
Dayna Beldsoe)	NOTICE OF MOTION/
)	APPLICATION AND OPPORTUNITY
)	FOR HEARING
)	
<u>DEBTORS.</u>)	

TAKE NOTICE that Debtors filed an Objection to the unsecured claim of **Bank of the West**

A copy of the motion and proposed order accompanies this notice.

TAKE FURTHER NOTICE that any response, return and/ or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than **thirty days (30) days** from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on **June 27th, 2016 at 10:00 a.m./p.m.**, at 1100 Laurel Street, Columbia, South Carolina. No further notice of this hearing will be given.

Dated this 9th day of May, 2016.

_____/s/____Daniel A. Stone_____
Daniel A. Stone, Attorney for Movant, #8807
Stone Law Firm, LLC
PO BOX 3884
Irmo, SC 29063
(803) 407-6565/407-3345

Address of Court:
United States Bankruptcy Court
1100 Laurel St.
Columbia, SC 29201

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:)
) CASE NO. 16-01283
 Kenneth Bledsoe)
 Dayna Bledsoe) CHAPTER 13
)
)
 Debtor(s).)
 _____)

OBJECTION TO PROOF OF CLAIM

TO: Bank of the West and Chapter 13 Trustee:

Debtors, by and through their attorney, object to a proof of claim filed by Bank of the West on April 18, 2016 in the amount of \$52171.46 unsecured. Debtors specifically objected in their bankruptcy schedules to the unsecured debt on Schedule F. Debtors object for multiple reasons to include : (1) Creditor failed to properly give the Debtors Notice of the sale of the collateral . Debtors argue they were never provided notice of the sale and an opportunity to purchase the collateral. Additionally, creditor did not attach proof of the Notice of the sale to the proof of claim.(2) Debtors argue that the sale of the collateral does not meet the requirements that the collateral be sold in a “commercially reasonable manner”. Debtors have found online prices for the same model going for over \$63,000. In addition, this is the price four years after the sale. The sale of the collateral was grossly commercially unreasonable. (3) Finally, debtors argue the debt is past the statute of limitations.

WHEREFORE, Debtors request that this Honorable Court lower the above listed unsecured claim in the amount of \$52171.46 to \$00.00.

_____/s/Daniel A. Stone_____
Stone Law Firm, LLC
Daniel A. Stone #8807
PO BOX 3884
Irmo, SC 29063
(803) 407-6565 fax 407-3345
Attorney for Debtor

Dated: 05/09/2016

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:) **Bankruptcy No. 16-01283**
)
Kenneth Bledsoe) **Chapter 13**
Dayna Bledsoe)
) **CERTIFICATE OF SERVICE**
)

Debtor.)

I, Daniel A. Stone, of the Stone Law Firm, LLC. certify that I have this date served the **Objection to Proof of Claim and Notice of Motion/Application and Opportunity for Hearing** on all parties and creditors in interest entitled to such notice, as listed below by depositing same in the United States mail with First Class postage affixed thereto

Bank of the West
C/O Asset Recovery
PO BOX 5172
San Ramon, CA 94583

William K Stephenson, Jr (VIA ELETRONIC ONLY)
Chapter 13 Trustee

Stone Law Firm, LLC
By: /s/ Daniel A.Stone
Daniel A. Stone (#8077)
PO BOX 3884
Irmo, South Carolina 29063
(803) 407-6565/ 407-3345

Date: 05/09/16
Irmo, South Carolina